

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.,  
Plaintiff,

v.

HEALTHY SOLUTIONS, LLC et al.,  
Defendants.

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CAPPSEALS, INC.,  
Plaintiff-in-Intervention,

v.

HEALTHY SOLUTIONS, LLC, d/b/a  
DIRECT BUSINESS CONCEPTS; ITV  
DIRECT, INC.; and DIRECT  
FULFILLMENT, LLC,  
Intervenor-Defendants.

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Civil Action No. 04-10421-JLT

ORDER

February 1, 2005

TAURO, J.

After a conference held on February 1, 2005, this court hereby orders that:

1. By February 3, 2005, Plaintiff-In-Intervention may file a motion with District Judge O'Toole's seeking permission to obtain the confidential financial report prepared by ITV Direct for the FTC;
2. Plaintiff-In-Intervention Cappseals Inc.'s Motion to Compel Defendants ITV Direct, Inc. and Direct Fulfillment LLC [#65] is ALLOWED to the extent that:
  - a. ITV Direct shall give Plaintiff-In-Intervention a copy of the abovementioned financial report provided that District Judge O'Toole allows access to the report;

- b.       ITV Direct shall supplement its damages disclosures as discussed in open court by February 15, 2005; and
  - c.       Plaintiff-In-Intervention may conduct a Rule 30(b)(6) deposition of ITV Direct by February 25, 2005;
- 2.       No additional discovery will be permitted without leave of this court; and
  - 3.       A Final Pre-Trial Conference is scheduled for April 5, 2005 at 11:00 a.m.

IT IS SO ORDERED.

/s/ Joseph L. Tauro  
United States District Judge